

EXHIBIT 1

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE**

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ADOLFO ARAUJO,

Index No.

Date of Filing:

Plaintiff,

SUMMONS WITH NOTICE

-vs-

TOWN OF WEBSTER,
WEBSTER POLICE DEPARTMENT,
ALEX KIRKPATRICK,
CITY OF ROCHESTER,
ROCHESTER POLICE DEPARTMENT,

Monroe County is designated
by Plaintiff as the place of trial
Venue is based upon Plaintiff's address:
200 Norran Drive
Rochester, NY 14609

Defendants

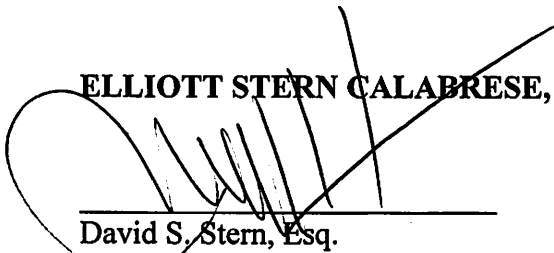
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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded in the notice set forth below and in the complaint.

Dated: September 29, 2023
Rochester, New York

ELLIOTT STERN CALABRESE, LLP



David S. Stern, Esq.

Office & P.O. Address:

45 Exchange Blvd., Suite 400

Rochester, New York 14614

Tele: (585) 232-4724

Fax: (585) 540-2276

Email: dstern@elliottstern.com

NOTICE:

The nature of this action is to seek an award for damages suffered by plaintiff arising from an illegal search of Plaintiff's home, false arrest, assault, of the Plaintiff arising from an incident that

occurred September 29, 2022, as more completely described in the attached Notice of Claim which the Plaintiff hereby incorporates as if fully set forth in this Summons with Notice.

Nature of the claims is for false arrest, false imprisonment, malicious prosecution, abuse of process, assault and battery, intentional infliction of emotional distress, unintentional infliction of emotional distress, violation of civil rights pursuant to 42 USCA §1981, 1983 and 1985(3), negligence in hiring and retaining of incompetent and unfit police officers, negligence in the training and instruction of its policemen, and negligence in the performance of its police duties.

The time when, the place where and the manner in which the claims arose: On or about the 29th day of September 2022 at approximately 6:00 am members of the Rochester City Police Department and/or members of the Webster Police Department arrested the Plaintiff in his home at the 200 Norran Drive, Rochester, New York, County of Monroe. The Plaintiff assaulted and handcuffed in his home and held in custody for several hours stemming from illegal search of the Plaintiff's home at 200 Norran Drive.

As a result of the actions of the police officers, agents and employees of the City of Rochester, Plaintiff suffered shame, humiliation, indignity, damage to reputation and credit, violation of his civil rights, mental anguish, emotional distress and suffering and psychological and physical injuries, all of which, upon information and belief, are permanent in nature. Plaintiff was detained, against his will, and deprived of his liberty on September 29, 2022 and for a period of time thereafter.

Defendants rifled through Plaintiff's home and caused property damage.

STATE OF NEW YORK SUPREME COURT
COUNTY OF MONROE

In the Matter of

ADOLFO ARAUJO,

Claimant,

-vs-

NOTICE OF CLAIM

TOWN OF WEBSTER,
WEBSTER POLICE DEPARTMENT,
ALEX KIRKPATRICK,
CITY OF ROCHESTER,
ROCHESTER POLICE DEPARTMENT,
DRUG ENFORCEMENT ADMINISTRATION,

Defendants

PLEASE TAKE NOTICE, that the undersigned Claimant hereby makes claims against the TOWN OF WEBSTER, WEBSTER POLICE DEPARTMENT, ALEX KIRKPATRICK, DRUG ENFORCEMENT ADMINISTRATION, CITY OF ROCHESTER and ROCHESTER POLICE DEPARTMENT:

1. The name and post office address of each claimant and claimant's attorney is:

Claimants: ADOLFO ARAUJO
200 Norran Drive
Rochester, New York 14609

Attorney: David S. Stern, Esq.
ELLIOTT STERN CALABRESE LLP
45 Exchange Blvd., 4th Floor
Rochester, New York 14614
Tele: (585) 232-4724
Email: dstern@elliottstern.com

2. Nature of the claims: The claim is for false arrest, false imprisonment, malicious prosecution, abuse of process, assault and battery, intentional infliction of emotional distress, unintentional infliction of emotional distress, violation of civil rights pursuant to 42 USCA §1981, 1983 and 1985 (3), gross

negligence, negligence, negligence in hiring and retaining of incompetent and unfit police officers, and investigators, negligence in the training and instruction of its police officers, and negligence in the systemic failures in the performance of its police duties.

3. The time when, the place where and the manner in which the claims arose:

On or about September 29, 2022, at approximately 6:00 am the personal residence of the Claimant, Adolfo Araujo, was raided by members of the Webster Police Department and/or Rochester Police Department and/or Drug Enforcement Agency. The members of these governmental police agencies broke into Claimant's home using force breaking down his front door, destroying the casing and locks, to illegally enter Claimant's private residence. Thereafter, the members of these police agencies illegally searched Claimant's home in violation of his constitutional rights to privacy. In the course of conducting their search the members of these government police agencies tore apart Claimant's home causing excessive unnecessary damage to Claimant's home including breaking a window, and otherwise causing a chaotic unnecessary melee with malicious intent calculated to annoy and alarm and frightened the occupants of Claimant's home including Claimant himself. The members of these governmental police agencies proceeded to apprehend Claimant in a violent excessively forceful manner, seizing his body, cuffing his hands behind his back, slamming him face down on the floor at gunpoint in the kitchen of his home, causing Claimant to suffer serious bodily harm including injuries to his shoulders and causing severe mental trauma. Claimant was completely law abiding throughout this time and there was no reasonable basis permitting government invasion of his home or seizing his person or causing him physical bodily injury or mental injury. Claimant maintains these police agencies had no lawful right to invade his privacy and had no right to break into his home destroy his property or cause him personal injury and harm.

Claimant is 83 years old and has no criminal record and has been a law-abiding productive citizen his entire life. He served in the armed services for our country and owned a construction company for over 50 years. He has never suffered such humiliations such as occurred in the

early morning hours of September 29, 2022, at the hands of his government. As a result, Complainant has lost all faith and confidence in the fair administration of justice at the hand of these government agencies for engaging in a violation of his constitutional rights with callous abandonment and disregard. It appears obvious to any reasonable person that the conduct of the members of these government agencies was arbitrary and capricious and sadistic. No one should be put through this form of humiliation and cruelty when it is so clearly obvious that the individual held had the absolute right to remain free from unreasonable searches and seizures and destruction of his personal property and excessive force. Complainant questions the entire mentality of these government actors in conducting themselves under such circumstance as were present in this case. Claimant had not engaged in any activity justifying the actions of the members of these government agencies.

The conduct of the arresting officers was grossly negligent and committed without justification in in holding complainant under false pretenses holding Claimant against his will, with complete abandon of the norms and expectations of reasonableness under the circumstances.

Claimant was completely lawful at the time of the incident.

The arresting officers knew or should have known they had no justification holding Claimant in custody and searching his home and inflicting physical and mental harm upon him. He was not a suspect of any crimes justifying search and seizure of his home and person. Their wonton violent actions in doing so proves they failed to conduct themselves as reasonable persons under the circumstance. Their conduct was wonton, reckless, grossly negligent and cruel, constituting excessive unreasonable force.

That solely by reason of the negligence of the Defendants, as aforesaid, the Claimant became sick, sore, lame and disabled and suffered and is still suffering great mental pain and discomfort.

Claimant believes these government agencies acted in concert refusing to abide by the laws of the State of New York proving a systemic failure on the part of our police agencies proving our government agencies condone treating lawful citizens in our community with cruelty and a willingness to abrogate

the rights of its lawful citizens, and ready willingness to engage unlawfully in the process towards their illegitimate ends of achieving some form of vicious self-gratification, completely barbaric and destructive not only to the individuals directly affected but also to our society as a whole, demonstrated particularly in this case by the unnecessary destruction of Claimant's personal property, and the physical assault inflicted upon him for no justifiable reason. After this horrific experience Claimant believes he will never feel comfortable in trusting the police authorities again nor would he hesitate to tell others about his maltreatment at the hands of these government agencies.

Complainant believes the members of the City of Rochester Police Department, Webster Police Department and/or Drug Enforcement Agency should all be reprimanded, demoted and/or terminated from their employment as law enforcement officers, whom all chose to game the system to hold a lawful citizen against his will and in violation of their oaths to serve and protect our community, and to follow the laws of our state and nation. Complainant believes the City of Rochester Police Department, Webster Police Department and/or Drug Enforcement Agency should also be reorganized so that systemic failures as has occurred in this instance never arise again.

The investigating and arresting Webster Police Department, Rochester Police Department and Drug Enforcement Agency, did intentionally and/or negligently misrepresent and falsify facts and evidence and withheld information of facts in the following manner:

- a) Failure to conduct proper investigation of this matter;
- b) Failing to understand the law;
- c) Unlawfully seizing Complainant;
- d) Using excessive force upon the Complainant
- e) Vandalizing Complainant's property

Claimant suffered and continues suffering great mental distress by reason of the said wrongful acts of the members of these government agencies.

Claimant was compelled to seek medical treatment because of the attack suffered upon him requiring him to undergo physical therapy and other medical treatments. Claimant has incurred medical expenses and paid other expenses and suffered damages by reason of these unwarranted government actions all to his damage for a monetary sum that exceeds the jurisdictional limitations of all lower courts.

As a result of the action of the Town of Webster, Webster Police Department, City of Rochester, Rochester Police Department, Drug Enforcement Agency, by and through its officers, agents, investigators and employees of these Defendants, Claimant suffered shame, humiliation, indignity, damage to reputation and credit, violation of his civil rights, mental anguish, emotional distress and suffering and psychological and physical injuries, all of which, upon information and belief, are permanent in nature. Claimant was detained, against his will, and deprived of his liberty. Defendant has also lost faith in police agencies and the government in administering justice.

The total sum claimed exceeds the jurisdictional limits of any lower courts.

This Notice of Intention to File a Claim is filed within the time constraints set forth in §50-e of the General Municipal Code and §11(b) of the New York State Court of Claims Act.

PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, in default of the Town of Webster and/or Webster Police Department and/or City of Rochester and/or Rochester Police Department and/or Drug Enforcement Agency's office(s) to pay Claimant in his claim within the statutory period provided, Claimant intends to commence an action against each of the above, their agents and employees to recover damages with interest and costs of action.

Dated: December 17, 2022
Rochester, New York


ADOLFO ARAUJO

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

ADOLFO ARAUJO, being duly sworn, deposes and says that deponent a Claimant in the within matter. Deponent has read the within Notice of Claim and knows the contents this thereof; that the same is true to deponent's knowledge except as to matters this therein stated to be alleged upon information and belief and that as to such matters deponent believes it to be true.

Adolfo Araujo
ADOLFO ARAUJO

Sworn to before me this
17 day of December 2022.

[Signature]
NOTARY PUBLIC

